GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:2956
ANSWERED ON:11.03.2003
STATE ADMINISTRATIVE TRIBUNALS
JAYASHREE BANERJEE;R.L. JALAPPA

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Government have received proposals from Madhya Pradesh and Karnataka Governments for abolishing State Administrative Tribunals;

(b) if so, the details thereof; and

(c) the action taken by the Government thereon so far and the time by which the final decision is likely to be taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERS(PUBLIC GRIEVANCES AND PENSIONS. (SHRI HARIN PATHAK)

(a): Yes, Sir.

(b): The Karnataka Government was of the view that in the light ofjudgement of Supreme Court in the case of L.Chandra Kumar vs. Union of India, decisions of the State Administrative Tribunals may be questioned in the High Court by way of Writ Petitions before a Division Bench and, therefore, the Karnataka Administrative Tribunal has become redundant.

The Government of Madhya Pradesh had taken a decision to abolish the Madhya Pradesh Administrative Tribunal on the plea that the experience of the State was that the objectives with which the Tribunal was established have not been achieved in as much as the goal of expeditious and final resolution of Service disputes could not be achieved. The Madhya Pradesh Government was of the view that after the Supreme Court judgement in the case of L.Chandra Kumar and Others vs. Union of India, the Tribunals have become an additional tier in the judicial hierarchy, thereby considerably reducing its effectiveness as a perceived specialized agency and as a substitute for overworked High Courts.

(c): The question of considering the request of the State Governments arise only after enabling provisions for abolition of Administrative Tribunals and for dealing with consequential contingencies like transfer of pending cases to some other forum and service interests of Chairman, Vice-Chairman, Members and other staff of the Tribunals are made in the Administrative Tribunals Act, 1985.